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Attorney Docket No: U008 (BPAY.0010000)

PATENT

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A SYSTEM AND METHOD FOR ENROLLING IN A BIOMETRIC SYSTEM

the specification of which:

☐ is attached hereto;

☒ was filed as United States Application Serial No. 10/678,646 on 10/06/2003, and was amended on (if applicable);

☐ was filed as PCT International Application No. on and was amended under PCT Article 19 or Article 34 on (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/324,229
(Application Number)

21 September 2001
(Filing Date) (day, month, year)

(Application Number)

(Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner

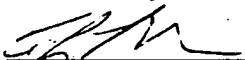
provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (<i>check one</i>)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
10/251,305	20 September 2002		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

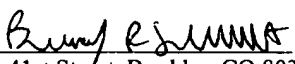
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Timothy L. Robinson

Inventor's signature 
 Residence: 12145 Chancery Station Circle, Reston, VA 20190
 Citizen of: United States
 Post Office Address: Same

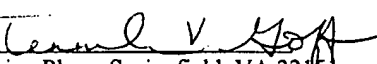
Date 2/6/04

Full name of second inventor: Bradford R. Schildt

Inventor's signature 
 Residence: 560 South 41st Street, Boulder, CO 80305
 Citizen of: United States
 Post Office Address: Same

Date 2/5/04

Full name of third inventor: Tennille V. Goff

Inventor's signature 
 Residence: 7710 Heming Place, Springfield, VA 22151
 Citizen of: United States
 Post Office Address: Same

Date 2/5/2004

Full name of fourth inventor: Mark B. Robinson

Inventor's signature _____
 Residence: 16 Knob Hill Road, Norwalk, CT 06851
 Citizen of: United States
 Post Office Address: Same

Date _____

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Fax Number: Feb 10 04 11:58a Mark Robinson
Type

Subject: (203) 299-1435 p.5

provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
10/251,305	20 September 2002		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Timothy L. Robinson

Inventor's signature _____
Residence: 12145 Chancery Station Circle, Reston, VA 20190
Citizen of: United States
Post Office Address: Same

Date _____

Full name of second inventor: Bradford R. Schildt

Inventor's signature _____
Residence: 560 South 41st Street, Boulder, CO 80305
Citizen of: United States
Post Office Address: Same

Date _____

Full name of third inventor: Tennille V. Goff

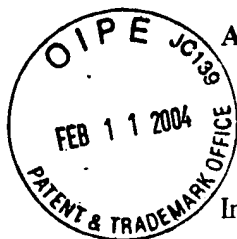
Inventor's signature _____
Residence: 7710 Heming Place, Springfield, VA 22151
Citizen of: United States
Post Office Address: Same

Date _____

Full name of fourth inventor: Mark B. Robinson

Inventor's signature *Mark B. Robinson*
Residence: 16 Knob Hill Road, Norwalk, CT 06851
Citizen of: United States
Post Office Address: Same

Date *Feb. 10, 2004*



Attorney Docket No: U008 (BPAY.0010000)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Robinson et al.

Serial No.: 10/678,646

Examiner: To Be Assigned

Confirmation No.: 7815

Art Unit: 2131

Filed: 10/6/2003

For: A SYSTEM AND METHOD FOR ENROLLING IN A BIOMETRIC SYSTEM

Commissioner for Patents
Alexandria, VA 22313-1450

**POWER BY ASSIGNEE
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

The Assignee of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of the Law Office of Duane S. Kobayashi included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

- ☒ An assignment document, a copy of which is enclosed herewith;
☐ An assignment previously recorded in the U.S. Patent and Trademark Office at Reel , Frame

Please direct all telephone calls and correspondence to:

Law Office of Duane S. Kobayashi
1325 Murray Downs Way
Reston, VA 20194
Tel: (703) 464-7902
Fax: (703) 935-0276
CUSTOMER NUMBER: 34611

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: 2/5/04

Signature: Bradford R. Schildt
Name: Bradford R. Schildt
Title: Executive Vice President
Company: BioPay, LLC

ASSIGNMENT

Timothy L. Robinson, residing at 12145 Chancery Station Circle, Reston, VA 20190, Bradford R. Schildt, residing at 560 South 41st Street, Boulder, CO 80305, Tennille V. Goff, residing at 7710 Heming Place, Springfield, VA 22151, and Mark B. Robinson, residing at 16 Knob Hill Road, Norwalk, CT 06851, (each referred to as "Assignor") have made an invention(s) (the "Invention(s)") set forth in an application for patent of the United States, entitled A SYSTEM AND METHOD FOR ENROLLING IN A BIOMETRIC SYSTEM, and which is a:

- (1) ☐ provisional application
 - (a) ☐ to be filed herewith; or
 - (b) ☐ bearing Application No. , and filed on ; or
- (2) ☒ non-provisional application
 - (a) ☐ to be filed herewith; or
 - (b) ☒ bearing Application No. 10/678,646, and filed on 01/05/2004.

WHEREAS, BioPay, LLC, a corporation duly organized under and pursuant to the laws of , and having its principal place of business at 580 Herndon Parkway, Suite 100, Herndon, VA 20170, (the "Assignee"), is desirous of acquiring the entire right, title, and interest in: the Invention(s); the application for patent identified in paragraph (1) or (2); the right to file applications for patent of the United States or other countries on the Invention(s); any application(s) for patent of the United States or other countries claiming priority to these application(s); and any patent(s) of the United States or other countries that may be granted therefor or thereon.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, and to the extent that the Assignor has not done so already via a prior agreement with the Assignee, or if the Assignor has already done so via a prior agreement with the Assignee then in confirmation of any obligation to do so in said prior agreement, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns, the Assignor's entire right, title, and interest in:

- (a) the Invention(s);
- (b) the application for patent identified in paragraph (1) or (2);
- (c) the right to file applications for patent of the United States or other countries on the Invention(s), including all rights under the Paris Convention for the Protection of Industrial Property and under the Patent Cooperation Treaty;
- (d) any application(s) for patent of the United States or other countries claiming the Invention(s);
- (e) any application(s) for patent of the United States or other countries claiming priority to the application for patent identified in paragraph (1) or (2) or any application(s) for patent claiming the Invention(s), including any division(s), continuation(s), and continuation(s)-in-part; and
- (f) any patent(s) of the United States or other countries that may be granted for or on any application for patent identified in the preceding paragraphs (b) – (e), including any reissue(s) and extension(s) of said patent(s).

The above-granted rights, titles, and interests are to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made.

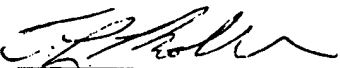
The Assignor hereby represents to the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, or if applicable, at such time said prior agreement was executed, the Assignor is a lawful owner of an undivided interest in the entire right, title, and interest in and to the Invention(s), that the Invention(s) are unencumbered, except, if applicable, by obligation to assign in accordance with said prior agreement, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner set forth herein.

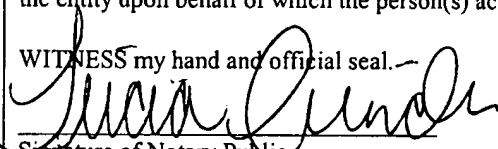

The Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that the Assignor will sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done in connection with any and all proceedings for the procurement, maintenance, enforcement and defense of the Invention(s), said applications, and said patents, including interference proceedings, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns.

The Assignor hereby authorizes and requests the attorneys of the LAW OFFICE OF DUANE S. KOBAYASHI to insert in the spaces provided above the filing date, the application number, and the attorney docket number of the application identified in paragraph (1) or (2) when known.

The Assignor hereby requests the Commissioner of Patents to issue said patents of the United States to the Assignee for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

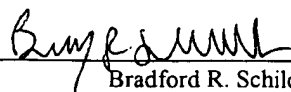
Date: Feb. 6, 2004

By: 
Timothy L. Robinson

State of <u>Virginia</u>)
County of <u>Fairfax</u>) ss.
On <u>February 6, 2004</u> , before me, <u>Thia Prindle</u> , personally appeared Timothy L. Robinson, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.	
WITNESS my hand and official seal.	
<u></u>	
Signature of Notary Public	Place Notary Seal Above

Enclosed Herein Is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires September 30, 2007
THIA PRINDLE

Date: 2/5/04

By: 
Bradford R. Schildt

State of Virginia)
County of Fairfax) ss.

On February 5, 2004, before me, Tricia Prindle, personally appeared Bradford R. Schildt, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.


WITNESS my hand and official seal.


Signature of Notary Public

Place Notary Seal Above

Embossed Notary Seal
Commonwealth of Virginia Notary Public Seal
My Commission Expires September 30, 2007
TRICIA PRINDLE

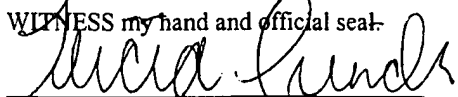
Date: 2/5/04

By: 
Tennille V. Goff

State of Virginia)
County of Fairfax) ss.

On February 5, 2004, before me, Tricia Prindle, personally appeared Tennille V. Goff, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Signature of Notary Public

Place Notary Seal Above

Embossed Notary Seal
Commonwealth of Virginia Notary Public Seal
My Commission Expires September 30, 2007
TRICIA PRINDLE

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Company:

Subject:

(203) 299-1435

p. 9

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Type

Feb 10 04 11:59a

Mark Robinson

Date:

Feb. 10, 2004

By:

Mark B. Robinson

Mark B. Robinson

State of ()



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STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN

Docket Number (Optional)
U008 (BPAY.0010000)

Applicant, Patentee, or Identifier: Timothy L. Robinson, et al.

Application or Patent No.: 10/678,646

Filed or Issued: 10/6/2003

Title: A System and Method for Enrolling in a Biometric System

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN BioPay, LLC

ADDRESS OF SMALL BUSINESS CONCERN 580 Herndon Parkway, Suite 100, Herndon, VA 20170

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person concern, or organization having rights in the invention is listed below:

- ☒ No such persons, concerns, or organizations exist.
☐ each such person, concerns, or organization is listed below:

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Bradford R. Schildt

TITLE OF PERSON IF OTHER THAN OWNER Executive Vice President

ADDRESS OF PERSON SIGNING 580 Herndon Parkway, Suite 100, Herndon, VA 20170

SIGNATURE

Brad R. Schildt

DATE

2/5/04